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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/023,172	02/13/1998	THOMAS J. HOLMAN	042390.P5659	6584

7590 01/20/2004

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EXAMINER

VERBRUGGE, KEVIN

ART UNIT	PAPER NUMBER
2188	26

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/023,172	HOLMAN, THOMAS J.
	Examiner	Art Unit
	Kevin Verbrugge	2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 15-31 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>24</u> .	6) <input type="checkbox"/> Other: _____ .

***Response to Amendment***

This final Office action is in response to Amendment D, paper #25, filed 12/1/03, which amended claim 15. Claims 15-31 are pending. All objections and rejections not repeated below are withdrawn.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 15-31 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-40 of copending Application No. 09/023170 and claims 18-30 of copending Application No. 09/023234. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences in the claims are immaterial.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-18, 20, 21, 26, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,045,781 to Levy et al., hereinafter simply Levy.

Regarding claim 15, Levy discloses memory modules with selectable byte addressing for a digital data processing system.

Levy shows the claimed first interface circuitry as the address (A), control (C), and data (D) lines in memory module 30 of Fig. 1 and portions of memory transceiver 41 and memory control and timing unit 42. These A, C, and D lines receive a memory request signal from a system memory controller (memory management unit 22) over a system memory bus (memory bus 40) as claimed. One portion of memory control and timing unit 42 that receives a memory request signal is the block labeled memory bus receivers 130A in Fig. 11.

He shows the claimed second interface circuitry as the low bus (data), high bus (data), and control and timing signal buses connected to memory transceiver 41 and memory control and timing unit 42. These lines couple a plurality of memory devices of the memory module as claimed.

He shows the claimed control logic as portions of memory transceiver 41 and memory control and timing circuit 42. Control signal generator 145 inside memory control and timing circuit 42, for example, shown in Fig. 11, generates signals for the memory devices as claimed.

Levy shows the claimed plurality of memory devices as low stacks 44 and high stacks 45.

Levy's first and second interfaces and control logic operate as claimed, serving as an interface between the plurality of memory devices and the system memory bus and system memory controller such that the plurality of memory devices and the system memory bus operate in different operating environments. Furthermore, the first and second interfaces and the control logic separate the plurality of memory devices from the system memory controller and the system memory bus as newly claimed.

Regarding claim 16, Levy's memory control and timing circuit 42 includes the claimed clock generator since it generates a clock signal to drive the separate signals controlling the plurality of memory devices as claimed. Fig. 11 shows memory control and timing circuit 42 in detail, including control signal generator 145 (which outputs CLK MDR BYTE 0-3 signals), read timing generator 152, and write timing generator 156.

Regarding claim 17, Levy's memory module controller includes the claimed request handling logic in memory transceiver 41 and memory control and timing unit 42 since it examines a memory request to determine whether the memory request is

addressed to the memory devices in its module and ignores the request if it is not addressed to its memory devices as claimed. More specifically, Fig. 11 shows memory control and timing unit 42 in more detail and Fig. 20 shows memory transceiver 41 in more detail. Fig. 11 includes the claimed request handling logic as the address normalizing circuit 131A. If the memory is addressed to at least one of the memory devices on the module, then address normalizing circuit 131A permits the module to process the request. Otherwise, if the address request is not addressed to one of the memory devices on the module, then address normalizing circuit 131A prevents further processing by the module by asserting the address out of range signal shown being input to start memory cycle logic 150 (see column 16, lines 1-23).

Regarding claim 18, Levy's memory module controller comprises the claimed power management unit because it controls power supplied to the memory devices as claimed. Levy's memory transceiver 41 and memory control and timing circuit 42 control all the signals and data supplied to the memory devices and thereby control the power supplied to the memory devices since power is transmitted on signals. In other words, power in the form of data, control, and timing signals is supplied to the memory devices. The broad language of the claim requires nothing more.

Regarding claim 20, since Levy's memory module controller does not send signals to its memory devices when a memory request is not addressed to any of the devices, it can be said that the memory controller reduces the power to the memory

devices (since power is transmitted on the signals, as discussed in the rejection of claim 18 above).

Regarding claim 21, since Levy's memory module controller does not send signals to its memory devices when a memory request is not addressed to any of the devices, it can be said that the memory controller decouples the memory devices from the memory bus.

Regarding claim 26, Levy's memory devices are volatile.

Regarding claim 28, Levy shows data handling logic as the circuitry of the memory transceiver 41 in Fig. 20.

Regarding claim 29, Levy shows the claimed writing buffer as latch 250 in Fig. 20, disclosed at column 22, lines 57 and following.

Regarding claim 30, Levy shows the claimed address storage unit as memory bus receivers 130A and memory address latch 154 in Fig. 11.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2188

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 22-25, 27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al.

Regarding claim 19, Levy does not teach that his memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 22, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 23, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claims 24 and 25, Levy does not disclose that his memory modules are SIMMs or DIMMs, perhaps because such terms were not used in the art at the time of his disclosure. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement his memory modules as SIMMs and DIMMs since those types of memory modules were common at the time of the invention.

Regarding claim 27, Levy does not explicitly mention any handshaking logic per se, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed handshaking logic to improve communications between the memory module controller and the system memory controller.

Regarding claim 31, Levy does not explicitly show the claimed read buffer, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such a buffer so that data received from the memory

devices could be held temporarily near the output of the memory module in case the memory bus were not available.

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Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al. in view of U.S. Patent 5,257,233 to Schaefer.

Regarding claims 18, 20, and 21, Levy does not explicitly teach that his memory module controller comprises a power management unit.

Schaefer discloses a low power memory module using restricted RAM activation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Schaefer's power reduction circuitry and techniques in Levy's memory modules to reduce the amount of power consumed. Schaefer teaches that unused memory devices may be powered down or placed in a reduced power mode to reduce the amount of power consumed by the module as a whole. By powering down certain memory devices, they are effectively decoupled from the memory bus.

Regarding claim 19, neither Levy nor Schaefer teach that their memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to

have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 22, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 23, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

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Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al. in view of U.S. Patent 5,036,493 to Nielsen.

Regarding claims 18, 20, and 21, Levy does not explicitly teach that his memory module controller comprises a power management unit.

Nielsen discloses a system and method for reducing power usage by multiple memory modules.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Nielsen's power reduction circuitry and techniques in Levy's memory modules to reduce the amount of power consumed. Nielsen teaches that unused memory devices may be powered down or placed in a reduced power mode to reduce the amount of power consumed by the module as a whole. By powering down certain memory devices, they are effectively decoupled from the memory bus.

Regarding claim 19, neither Levy nor Nielsen teach that their memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby

motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 22, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 23, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

### ***Response to Arguments***

Applicant's arguments are considered moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning a communication from the Examiner should be directed to the Examiner by phone at (703) 308-6663.

Any response to this action should be labeled appropriately (serial number, Art Unit 2188, and After-Final, Official, or Draft) and mailed to Commissioner for Patents, Washington, D.C. 20231, faxed to (703) 872-9306, or delivered to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 4th Floor Receptionist.



Kevin Verbrugge  
Primary Examiner  
1/14/04